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“It Was Difficult to Manage the Communication”: Testing the Feasibility of Video Remote Signed Language Interpreting in Court

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Abstract

The aim of the project reported here was to investigate whether the use of current technology within the New South Wales (Australia) Department of Justice is appropriate for providing video remote signed language interpreting services in court given that video conference facilities make use of fixed-angle cameras that cannot be moved, zoomed in or out, or focus on different parts of the courtroom. The study sought answers to questions concerning consumer comfort levels, integrity of interpreting process, and optimum settings for interpreters to provide quality services remotely. Conclusions from the study include the need to carefully consider the technological, linguistic, environmental, and logistical issues before establishing video remote interpreting services.

“It Was Difficult to Manage the Communication”: Testing the Feasibility of Video Remote Signed Language Interpreting in Court

The majority of research on court interpreting to date has focused on face-to-face interactions in the courtroom that are mediated via an interpreter, and it has been well documented that courtroom interactions are impacted by the presence of an interpreter, regardless of the language combination. The challenges for deaf people in gaining access to justice via signed language interpreters have been discussed in various studies and reports (Brennan & Brown, 1997; Napier & Spencer, 2008; Russell, 2002; Turner, 1995), and report on various issues, including the linguistic issues presented by the fact that signed languages are visual in nature.

An emerging area of interpreting provision for spoken and signed language interpreting involves the use of videoconference facilities (also known as *audiovisual link* or AVL). Interpreters are increasingly required to interpret through AVL, and there are two standard definitions: (a) *video conference interpreting (VCI)*, where there are two locations and the interpreter is in either one; or (b) *remote interpreting (RI)*, where all participants are together in one location and the interpreter is in a separate, remote location. In both of these situations, the communication between locations takes place via AVL (Braun & Taylor, 2011a). In the signed language interpreting sector, there is the potential for three different locations where participants are in two different locations and an interpreter is in a third remote location, working from a call center to provide *video relay services*, which have replaced text-based telephone relay services for deaf people. Thus, to avoid any confusion between the differences, we use a more generic over-arching term to refer to any of the above combinations: *video remote interpreting (VRI)*. We will also use the abbreviation AVL to mean any kind of video conference facility.

VRI is used now more commonly for the provision of spoken language interpreting, but studies have found that it is challenging for all participants; interpreters can feel alienated; their interpreting performance suffers; and empathy with the client is harder to achieve (Braun, 2007; Moser-Mercer, 2005; Mouzourakis, 2006; Roziner & Shlesinger, 2010). Research has shown that, generally, interpreters do not like communicating through AVL, but service users think VRI is effective (Balogh & Hertog, 2011; Braun & Taylor 2011c; Miler-Cassino & Rybińska, 2011; Shlesinger, 2011).

The advent of video technology has enabled deaf people to capitalize on the visual nature of AVL and communicate directly using a signed language. Research has shown that deaf American Sign Language (ASL) users adjust their use of ASL in direct deaf-to-deaf communication via video conference to cope with the interference from video communication (Keating & Mirus, 2003). Thus, it was inevitable that the provision of signed language interpreting services remotely through VRI facilities would become more popular, which is evidenced in the UK and USA in particular (Dion, 2005;

Lightfoot, 2006; McWhinney, 2009) and more recently in Australia (Napier, McKee, & Goswell, 2010).

Anecdotal reports of VRI note that the use of such technology can impact the signed language interpreting process and interpreters in several ways, including the need to adapt signing style to account for the two-dimensional medium, limited options for interpreters to assess deaf client's language needs, less opportunity for interpreters to brief with either party, and difficulties getting a deaf person's attention if the interpreter is in a different location (Napier, McKee, & Goswell, 2010). Research on VRI in the USA (Brunson, 2011; Taylor, 2005, 2009), and in Scotland (Wilson, 2010) demonstrated that there are various specific demands for signed language interpreters due to the visual nature of signed languages. The use of VRI in criminal proceedings, especially for witnesses or experts participating in hearings, has been allowed under EU legislation since 2000 (Convention on Mutual Assistance in Criminal Matters between EU countries, Article 10). VRI is now widely used in criminal proceedings to speed up cross-border cooperation, reduce costs and increase security (Braun, in press-a).

In Australia there are approximately 6,500 deaf people who use Australian Sign Language (Auslan) as their first or preferred language (Johnston, 2004). It is estimated that there have been 22 deaf or hard-of-hearing inmates in the state of New South Wales (NSW) criminal justice system since 2002; ten of whom were identified as Auslan users, and one was a user of a foreign signed language (J. Doherty, Disability Officer, NSW Corrective Services, personal communication, September 20, 2010). At present, the use of AVL in NSW courts is informed by the *Evidence, Audio and Audiovisual Link Act* (1990). Additionally, an average of three out of five cases in NSW courts that involve inmates from correctional facilities are heard via video conference (50% in local courts, 43% in the supreme or district courts), and the goal of the Department of Corrective Services is to increase this figure to 75% (P. Sharp, Manager of Video Conferencing, NSW Corrective Services, personal communication, February 5, 2010).

The authors recognize that in the USA and other countries, VRI is well established in many contexts, including courts; thus, the issues discussed here may not be new to some readers. However, VRI is still very new to Australia and has not yet been introduced in some countries. Therefore, we are still grappling with what makes for an effective VRI service, as USA-based solutions may not be appropriate or feasible in Australia or other countries. For example, Australia still does not have a National Broadband Network and is somewhat behind in various telecommunication areas. Many parts of the country still rely on dial-up internet services or have low-speed bandwidth broadband availability. The findings of this Australian-based study of VRI may inform international readers seeking to explore the introduction of VRI in their own countries and remind readers in countries with well established VRI services that there are various issues that still need to be considered.

Method

Overview

The NSW Department of Justice and Attorney General (DJAG) Diversity Services Manager commissioned this research project to investigate how deaf people can receive improved access to interpreters in the NSW court system. The aim of the project was to investigate whether the use of the in-house NSW Justice Agency Conference System (JACS) AVL could be seen as a potential solution to maximize the provision of Auslan/English interpreters in NSW courts. The primary goal was to ascertain whether the existing technology is appropriate for providing VRI in court given that the JACS AVL makes use of fixed-angle cameras that cannot be moved, zoomed in or out, or focus on different parts of the courtroom. The cameras are fixed on the following locations: (a) judge's bench, (b) the bar or lawyer's table, (c) witness box, and (b) public gallery. The researchable questions were as follows:

1. How comfortable do deaf people and interpreters feel watching each other through AVL?
2. What are the challenges for all parties in communicating via AVL?
3. Are there any barriers to having deaf clients or interpreters in remote locations?
4. Is the integrity of the interpreting process affected by the provision of interpreting services in court through AVL?
5. What are the optimum settings for signed language interpreters to provide quality services remotely through AVL?

6. What are the perceptions of deaf clients, interpreters, and hearing clients concerning the effectiveness of VRI in court?

Procedure

The framework for the project was a qualitative study that involved a quasi-experimental design in that five scenarios were tested under similar conditions, but each scenario was treated as a case study with different scripts and/or participants, involving ethnographic observation and follow-up interviews. The effectiveness of signed language interpreting services provided via VRI was tested in key venues across five simulated trial scenarios involving deaf people, Auslan interpreters and non-deaf participants. Each scenario represented various possibilities of combinations where deaf people or interpreters might be in remote locations and accessing the courtroom via AVL. The scenarios included:

1. Interpreter at interpreting agency (1), deaf person in Remote Witness Room--both accessing courtroom via AVL;
2. Interpreter at interpreting agency (2) accessing courtroom via AVL and deaf person in court;
3. Both interpreter and deaf person in Remote Witness Room together and accessing courtroom via AVL;
4. Interpreter and deaf person in courtroom face-to-face (control); and
5. Interpreter in courtroom and deaf person in Remote Witness Room accessing courtroom via AVL.

The scenarios of simulated courtroom interaction were developed using scripts from mock-trial scenarios based on real courtroom trial excerpts. The scripts were adapted in consultation with the Diversity Services Senior Development Officer at the NSW Department of Justice and Attorney General. It was decided to use the same two scripts for the scenarios, so Script 1 (*Breach of an Apprehended Violence Order*), was used for Scenarios 1, 2, and 4; and Script 2 (*Driving Whilst Disqualified*) for Scenarios 3 and 5 (as seen in Table 1). Each scenario involved one interpreter, one deaf person and three hearing participants (judge, prosecution, and defense lawyer). Three professionally certified interpreters were used¹; and two deaf professional actors played characters as assigned to them. A briefing was developed for the deaf actors and hearing participants, giving an overview of the 'character' of the deaf person in each scenario and any linguistic issues for consideration.

Three hearing volunteers played the role of judge, defense lawyer and prosecution lawyer. The hearing volunteers all worked for DJAG in various capacities, so were familiar with court procedures, but they were not real legal professionals. Although the ideal would have been to use authentic deaf clients and legal personnel, this was not possible for two main reasons: (a) there would have been ethical implications in seeking and recruiting deaf people with authentic courtroom experience due to charges and convictions; and (b) it was not possible to recruit legal personnel to participate in the study as the available budget would not have covered their time. Nonetheless, as all hearing participants were clearly briefed, the researchers believe that their perceptions of the effectiveness of the VRI in court are still valid, as they were able to report on the actual experience they had as consumers during each trial scenario.

In order to make the simulations as authentic as possible, the interpreters only received brief information about the assignment as would normally be given on a booking sheet from the interpreting agency. This information included the venue and address, the name of the contact person, date and time of the assignment, the name of the deaf person and the type of court matter. A breakdown of the participants and scenarios can be seen in Table 1.

¹ In Australia interpreters of all languages receive 'accreditation' from the National Accreditation Authority for Translators and Interpreters. See www.naati.com.au or Bontempo & Levitzke-Gray (2009) for an overview of signed language interpreting training and testing in Australia.

Table 1: Script and Scenario Allocation

Remote Witness Room	Interpreting Agency 1	Interpreting Agency 2	Court	Script no.
Deaf person A	Interpreter A		Court personnel	1
		Interpreter B	Deaf person A Court personnel	1
Deaf person B Interpreter B			Court personnel	2
			Deaf person B Interpreter C Court personnel	1
Deaf person B			Interpreter C Court personnel	2

Data Collection and Analysis

The data collection process involved the complex organization of multi-location recording of five scenarios across four sites, using two scripts. The filming took place in four different locations, which required four researchers to be present to set up each location, film the scenario and interview participants. Prior to the day of data collection, DVD recorders were installed in the sites in order to record the video image sent between the courtroom and the remote locations via AVL. Before filming could commence, time was needed to set up each scenario to ensure that all participants could be seen and heard. It was found that in setting up each scenario, due to the fixed nature of the JACS camera equipment, people had to be moved around so that the deaf person and interpreter could clearly see one another. This often meant that the usual seating positions could not be used and the screens views in the courtroom or the remote location room needed to be adjusted.

Each scenario ran for approximately 10-15 minutes with simultaneous interpretation between English and Auslan. In order to make the simulation as realistic as possible, the deaf actors and hearing participants were requested to respond to the interpretation as appropriate, even though they were following a script. For example, if the script said: "Tell us your full name and date of birth," but the interpreter only signed: "Tell us your full name," then they were asked to follow what the interpreter signed. In another example, if the interpreter signed/said something that was unclear, then they were asked to respond as they thought would be appropriate. They were also told that if they deviated from the script (e.g., to clarify something or to interrupt), they should return to the script as quickly as possible. If they had to deviate from the script, they should only make one variation before returning to the script and make no more than three variations throughout the entire script.

In order to triangulate the data and ensure that all perspectives were captured, each scenario was video-recorded through three points: (a) a static video-camera on a tripod focused on the deaf participant; (b) a static video-camera on a tripod focused on the interpreter (or both the interpreter and deaf person if they were together); and (c) an in-house recording of the footage appearing on the screen through the JACS AVL system.

Post-scenario interviews were conducted with all the deaf and interpreter participants using prompt questions that asked their opinions about the use of the technology, their perceived accuracy of the interpretation and whether it was impacted by use of video remote facilities, and their perceptions of the effectiveness of the service. In particular, the interpreters were asked about any challenges they experienced, and the deaf people were asked about any barriers they felt they faced. A few of the hearing participants were also interviewed, but due to time constraints, many of them had to return to work on completion of the data collection for their scenario. In these instances, the hearing participants were given a hard copy of the prompt questions and asked to email the research team with their responses.

The trial scenario data were analyzed for any issues regarding comprehension or clarity as a consequence of the interpretations taking place via AVL. The interviews were analyzed for thematic issues and cross-referenced with themes noted in the trial scenario data. These two data sets were triangulated with the ethnographic observations of the research team. The combined data gave a

clear picture of problem areas and participant perceptions of the effectiveness of signed language interpretation in court via AVL.

Results

Four key themes emerged from the data concerning the impact on the process of interpreting in court via AVL. These themes were technological, linguistic, environmental, and logistical. The quote used in the title of this paper neatly sums up the perceptions of the deaf and interpreter participants, particularly, and is taken from one of the deaf participants who was involved in two scenarios:

Also, generally speaking, both in the Remote Witness Room, and here in the courtroom, it was difficult to manage the communication. I'm not meaning in relation to working with an interpreter, I guess it's more to do with the nature of the situation. I'm not communicating with someone immediately present and I was aware that what I was saying was being recorded. As such, I needed to put more thought into what it was I had to say. So it actually made me more tense. I know that I'm quite able to cope with these pressures, but I'm trying to predict how another deaf person might feel in this situation. And I imagine they'd be a bit anxious and wouldn't know what to do – and might feel intimidated with the cameras and other people watching them. I imagine they might also feel quite alone because they wouldn't be able to readily call on the interpreter for help, or perhaps even feel supported by the interpreter. I'm trying to consider the psychological impact on them. It'd be important to think about that.

This deaf person participated in Scenario 5, where she was alone in the Remote Witness Room, and the interpreter was in the courtroom with the court personnel. It is interesting to note in this comment that she made reference to a feeling of isolation and how people may not feel “supported by the interpreter.” This comment reinforces the notion that although interpreters are impartial and not there to ‘help,’ that they are, in fact, participants in the interaction and often ally themselves to the disenfranchised deaf client by supporting them non-intrusively (Napier, McKee, & Goswell, 2010). Support can be given in subtle ways such as indicating the deaf client’s turn to speak, asking the deaf person to wait until another has finished speaking, etc. (Metzger, 1999; Roy, 2000). Being distanced from the interpreter means that support mechanism may be more difficult to achieve.

The interpreters and deaf participants in the study experienced different levels of comfort depending on their location and their ability to clearly see one another. The non-deaf participants’ experiences did not appear to be impacted by the AVL facility or the deaf or interpreter participants being in remote locations, as they felt they could clearly hear what they needed to hear. In essence, the issues arose due to the limitations of the NSW courtroom in-house Justice Agency Conference System (JACS) AVL system itself, rather than the nature of VRI. The next section gives a summary of the issues observed throughout data collection in feedback from the participants. More detailed analyses of the findings and pragmatic issues encountered by deaf people and interpreters in using the AVL system can be found in Napier (2011, in press).

Summary of Findings

Technological issues:

Set-up time

Each of the scenarios required an unexpectedly protracted set-up time. This was due to the unique circumstances for each scenario, but also because we often had to work around the limitations of the current system that uses fixed cameras. Thus, participants had to be moved into locations to suit the ‘eye’ of the video camera. For example, the deaf participants and interpreters in two scenarios had to be seated in the Witness Box in the courtroom. Given that the set-up took longer than expected for all of the scenarios using the AVL facility, it would seem that potential technical challenges would need to be factored into the court schedule to accommodate setting-up the AVL connection. This may result in the use of VRI being problematic for a busy court that would have a certain number of cases to get through in a day.

Size of television screens

The size of the television screens varied in each venue. The screens in the Remote Witness Rooms were small, so when the screen was divided into smaller sections displaying different images (see Figure 1), it made it difficult for the deaf person to 'read' the signing and have a clear idea of who was speaking. The television screens in the other remote locations based at the interpreting agencies and in the courtroom were standard large plasma screens, and even when divided into smaller images, the interpreters felt the picture quality was still acceptable.

Figure 1



Scenario 5: Interpreter in court, deaf defendant in custody appearing via AVL.

Number of images on screen

The JACS AVL has a number of configurations that means the screens are divided to show the footage from different camera angles, as well as the remote location footage. There was a limitation to the options available that meant the interpreters and deaf people typically saw themselves on screen, which they found challenging and distracting. For example, in Figure 1, the deaf person in the remote location can see the judge's bench, the interpreter (seated in the witness box), the public gallery, and herself (in the bottom right-hand corner). In Figure 2, the deaf person is in the witness box and the interpreter is in the bottom-right hand corner. Both the interpreters and deaf consumers commented that it was distracting to see themselves signing, especially because there was a slight delay between what they signed and what they saw on the screen.

Figure 2



Scenario 2: Deaf defendant seated in Witness Box in courtroom, interpreter in remote location

Position of microphone

In Scenario 3, the position of the microphone in the Remote Witness Room was problematic,

resulting in the audio feed to the courtroom seeming to drop out. A research assistant needed to hold the microphone closer to the interpreter as she was speaking so that she could be heard in the courtroom. Given that the interpreter needed to use her hands to sign and to sit far enough away from the video camera so that she and the deaf person could be seen clearly on screen, having the microphone at some distance away and being required to hold it to speak would be impractical. The ideal situation would be to use a lapel microphone, but this study was analyzing the existing equipment and the feasibility of its usage.

Use of fixed cameras

The use of fixed cameras within the courtroom and in the Remote Witness Rooms meant that in Scenarios 2 and 5, the participants were: (a) seated in positions which made it difficult for them to be seen clearly on screen; or, (b) required to sit in positions that were not standard practice (e.g., in the Witness Box). In Scenario 3, the interpreter and deaf client were restricted in where they could sit so they could be seen on camera, yet still sit comfortably to see each other. Additionally, the fixed cameras did not always show all the participants in the courtroom, meaning the interpreter or deaf client was not sure who was speaking. At times the camera was pointed on the gallery, which was a redundant image on the screen that was not necessary for the deaf consumer or interpreter.

Another problem with the fixed cameras was that participants who were sitting in their usual locations in the courtroom were sometimes not seen on camera, so their contribution to the proceedings could not be recorded. This issue is significant for any court matter involving a deaf person who uses a signed language because without capturing the deaf person or interpreter's signing on video, there is no record of what was said or the signed interpretation. Having an accurate record of the original signed messages and the signed interpretations is as important as having an audio recording of any spoken utterances/interpretations. This recording may be necessary for any subsequent legal matters such as appeals.

Linguistic issues:

Size of signer – difficult to 'read' signing

The size of the television screen and division of the screen into multiple images impacts the size of the signer (either the deaf person or the interpreter). The smaller the image, the less clear it becomes. A smaller image makes it harder to perceive the subtleties and details of Auslan, such as fingerspelling, facial expression, eye-gaze, directional verbs, use of space, role shift, numbers, etc. All the interpreters involved in this study had experience working with VRI, so none of them experienced any real difficulties. However, both deaf participants commented on the size of the interpreter on the screen.

3D language rendered in 2D form

Auslan is a visual-spatial language that uses space grammatically. Signs are produced within the 'signing space' for different purposes, such as showing direction or location, showing relationships between objects, indicating timelines, and to indicate separate topics – to name a few (Johnston & Schembri, 2007). As such, the language exists within, and exploits, three dimensions. One of the challenges with using a 3D language via a video link is that the option to use 3D space is removed, and the language is portrayed in two dimensions. This may create challenges and result in possible miscommunications. Although this study did not reveal any particular problems with the 2D aspect of using video, it has been noted elsewhere (BSR Solutions, 2010)² that use of a large screen is ideal to ensure that a person using a signed language can be seen clearly enough. Deaf participants in this study and the BSR Solutions project noted that when a large screen was used they felt comfortable in watching the Auslan and they were not concerned about any miscommunication. All the participants in this study expressed concerns when they were confronted with a small screen, as some of the nuances of Auslan may be lost. Thus, if VRI is to be used in court, these concerns should be noted and the system used with caution.

² BSR Solutions conducted an evaluation of a trial of VRI for the Department of Human Services in Melbourne, Australia. One of the recommendations that came out of their study was that television screens should be a 50" plasma monitor.

Fingerspelling production/readback

In Scenario 5, the deaf participant commented that she adjusted the production of her fingerspelling so that it would be more clearly visible to the interpreter in the courtroom. She slowed down the pace of her spelling and oriented her hand in such a way that it would be more clearly visible. This deaf participant is a professional actress and co-host of a television program so is very comfortable working via a video camera. The interpreter in Scenario 1 commented that she felt the deaf participant appeared to have slowed down his signing, indicating that he too had sufficient metalinguistic awareness to make this adjustment. This deaf participant was also a professional actor and possessed a level of awareness that may not be inherent in all deaf consumers. However, research has shown that deaf people generally do adjust their signed language production when communicating through AVL (Keating & Mirius, 2003), so more research is needed to assess the impact on the overall effectiveness of the communication specific to the courtroom.

Attention-getting and turn-taking

In all interpreted interactions, regardless of language, there may be occasions when one of the participants or the interpreter may need to seek clarification or interject. For this to occur in a signed language, the one who is trying to interject needs to be seen by the other person. In all settings where the AVL was used (Scenarios 1, 2, 3, and 5), in the debriefing interviews, the interpreters and/or deaf participants commented on the challenge in relation to getting the other person's attention when needed. None of the participants had an opportunity to establish cues for attention-getting before each trial scenario commenced. Although this could be perceived as a limitation in the methodology, the research team felt that this situation more accurately reflected what would happen in 'real life.' In the scenarios where the deaf participant and the interpreter were not together (1, 2, and 5), it was difficult for them to get the other's attention if they were not watching the television screen. Some possible consequences of this are: that it may result in inaccurate translations that might go uncorrected; or, lost information from a testimony if the person has continued to speak/sign before the misunderstanding is revealed, and their clarification is different from their initial utterance. Furthermore, if communication is unclear – either through the inability to seek clarification, or failure to do so – then this could influence the jury's or Bench's impression of the deaf individual, or the interpreter.

Environmental issues:***Background***

Ideally, the background behind the signer should be devoid of as much visual distraction as possible and should be a solid color, preferably blue (BSR Solutions, 2010). In Scenarios 2 and 5, the deaf defendant and the interpreter were seated in the Witness Box. The wall behind had sections cut out of it, which looked like stripes when viewed on a television screen. In addition, in Scenario 5, strips of bright sunlight were shining on the wall behind the interpreter, which produced glare. This, compounded with the high camera angle, the small television screen and the multiple images on the screen, made it very uncomfortable for the deaf person to watch on the television in the Remote Witness Room. The deaf participant in Scenario 1 commented that the background behind the interpreter was also too bright. The brightness of it impacted on the clarity of the interpreter's hands if they moved within that section of the image on the television screen.

Audio

Generally, the audio facilities were fine. However, when the deaf defendant and interpreter were together in the Remote Witness Room, the audio feed to the courtroom seemed to drop out. After reviewing the data, it became apparent that the audio was still working but was not loud enough to be heard clearly in the courtroom. If the interpreter had spoken louder, then it may not have been an issue, but this would require an interpreter to speak at an uncomfortably loud volume, which would be problematic for any extended period. Basically the problem with the audio feed at this point in Scenario 3 was the distance of the microphone from where the interpreter and deaf person were required to sit so they could both be seen on camera. As noted earlier, lapel microphones are not typically available in Remote Witness Rooms, which is why they were not tested in this study.

Logistical issues:

Time for briefing regarding technical and linguistic aspects (e.g., establishing who is where)

The deaf participants and interpreters commented that the preparation period was missing from the scenarios. They felt they did not have the chance to meet each other, become familiar with each other's signing style, or familiarize themselves with the courtroom or the other participants. This would be essential for the interpreter and the deaf person to have a clear understanding of who is involved and be able to draw on linguistic features of Auslan (e.g., the use of space) to indicate who is speaking. In the same way that interpreter preparation is vital before working generally in any courtroom (Russell, 2008), a briefing period would also allow for any technical issues to be addressed prior to commencing the court matter.

Establish cues for attention-getting

As noted, the ability for the deaf person or the interpreter to gain the other person's attention is essential to ensure an accurate interpretation. However, the constraints of working via AVL make this problematic. As such, a briefing period would provide an opportunity for the interpreter, deaf person, and court personnel to negotiate cues and protocols for gaining attention. The participants in the data collection noted that being able to seek clarification or interject was essential, but it was made difficult when working via AVL.

In sum, the data revealed that the interpretations were generally accurate, there were no communication breakdowns, and the trial scenarios were completed with all participants having their message conveyed in each language direction. Nonetheless, it could be seen that the process of interpretation was not smooth, and the perceptions of deaf participants and interpreters were that their experience was not easy.

Recommendations and implications

As a consequence of these findings, six recommendations were presented to the NSW Department of Justice and Attorney General (DJAG) in relation to the provision of Auslan/English interpretation via AVL in NSW courts. The recommendations were based on the existing AVL system available. If the system were to be changed or updated, the recommendations would also change. Essentially, it was recommended that VRI should not be provided in NSW courts using the existing AVL system; however, if it had to be used, it should be used with caution for short matters of up to 30 minutes only (e.g., matters for adjournment and bail matters) and only in the following scenarios:

- Scenario 3: deaf client and interpreter together in a remote location, appearing in court via AVL.
- Scenario 1: deaf client and interpreter are in different locations outside of the courtroom (e.g., interpreter at interpreting agency and the deaf person in remote witness room), both appearing in court via separate AVL connections.
- Scenario 2: deaf client in court and interpreter in other location. (Note: under the current limitations of the system, this only worked with the deaf client seated in the Witness Box and because of the large television screen in the remote location).

Scenario 5 (deaf client in remote location and interpreter in court) was not recommended at all under the current system. In this situation the deaf person in the remote location became too confused by too many divisions and images on the television screen. The interpreter was too small, the camera angle was too high, the lighting on interpreter created too much glare, and the background behind the interpreter was distracting. If these factors can be addressed, then it may be possible to use AVL in this scenario. The final recommendations were in relation to developing guidelines for all personnel who may encounter the AVL system for VRI purposes and considering the use of portable AVL equipment³.

DJAG formed a working party to assess the report and recommendations and decided that use of the AVL system with Auslan/English interpreters will be piloted over a period of three to six months in

³ See, for example, the portable equipment provided by Paras Associates Video Interpreter Network in hospitals in the United States and the portable equipment provided by the Department of Human Services Victoria in some of their VRI locations.

order to tweak guidelines. Use of the system will be reviewed after one year to evaluate its effectiveness. Although DJAG did not accept the recommendation not to use the current system, it did accept the remaining recommendations to ensure that any usage is closely monitored and evaluated.

The researchers would like to make it clear that the problems encountered in this study are not necessarily indicative of the feasibility of VRI in any court or in any country. The issues were very specific to the current system in place in the Australian, NSW court system. We recognize that there would be many benefits to providing VRI in court, and in fact, it could work very effectively with the right equipment and set up. The study highlighted, however, the importance of carefully considering the technological, linguistic, environmental, and logistical issues before establishing VRI services. Readers from countries where VRI has not yet arrived, or is still a relatively new phenomenon, should take note of this caution.

Suggestions for further research

We would like to conclude with some suggestions for further research that would provide insight into the feasibility and effectiveness of VRI in courts in general, as this is an under-researched area. Further research would benefit not only the NSW court system, but all courts that provide signed language interpreting services in Australia and internationally. Further research also would enhance our understanding of the provision of signed language interpreting through AVL technology in more general contexts, not just in court. This study could be replicated with non-scripted, simulated trial scenarios, preferably using real legal professionals and deaf people who are not trained actors. This would provide more realistic data to assess. This study also could be replicated in inter-state court systems in Australia with different (more flexible) AVL technology systems, which would provide comparative data. The research team has noted the effectiveness of the use of portable AVL equipment to provide remote interpreting services in spoken and signed languages in the United States. If such equipment could be obtained and tried in a NSW or other Australian court, it would be possible to conduct ethnographic observations of use and effectiveness of such a system in court. The ideal would be to test the provision of VRI in court in authentic cases, but this would be difficult to organize for several reasons, not withstanding ethical approval, permission from participants, availability of interpreters, and prediction of when appropriate cases may occur.

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